

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

DIVORCE CAUSE NO.161 OF 2012

BETWEEN

F A C.....PETITIONER

AND

R N.....RESPONDENT

JUDGEMENT

The petitioner in this matter married the respondent on 4th February 2009 at a ceremony at the Attorney-General's Chambers in Nairobi. A certificate of marriage No. *[particulars withheld]* was duly issued, copy of which is attached to the petition filed in court in this cause. The couple thereafter cohabited at Nairobi.

The petition herein was filed in court on 6th September 2012. In it the petitioner accuses the respondent of desertion. The respondent is said to have deserted the matrimonial home on 8th June 2009, never to come back, compelling the petitioner to live on her own to date. The petitioner made efforts to persuade the respondent to rekindle the love but to no avail.

The petition and the notice to appear were served on the respondent, on 17th September 2012. There is an affidavit of service on record sworn on 30th October 2012 and filed in court on 14th November 2012. The respondent did not appear nor file an answer to the petition, and therefore the cause was cleared by the Deputy Registrar on 29th November 2012 to proceed as an undefended cause.

The petitioner testified on 18th April 2013. The petitioner testified that the respondent left the matrimonial home on 8th June 2009 and never came back. It is clear from the evidence that there is no marriage. All efforts to reconcile are said to have failed. This evidence was uncontroverted.

It appears to me that the marriage between the parties has completely broken down. It would also appear to me that there has been no collusion between the petitioner and the respondent in bringing these proceedings. There is also no evidence that the petitioner has condoned the cruelty and desertion.

I will allow the petition dated 29th June 2012, and dissolve the marriage celebrated between the petitioner and respondent on 4th February 2009 is hereby dissolved. Decree *nisi* shall issue forthwith, to be made absolute after thirty (30) days.

There will be no orders as to costs.

DATED, SIGNED and DELIVERED AT NAIROBI THIS 27th DAY OF June 2013.

W.M. Musyoka

JUDGE

